

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARK LETELL ADAMS

Plaintiff,

v.

RONALD ALBERTSON, et al.,

Defendants.

No. C 10-4787 WHA (MEJ)

ORDER RE DISCOVERY DISPUTES

Docket Nos. 119, 120

The Court is in receipt of two discovery dispute letters, filed on November 4, 2011. Dkt. Nos. 119, 120. Upon review of the parties' letters, the Court ORDERS as follows:

- 1) Defendants are permitted to go forward with the deposition of Teresa Adams. The marital privilege must be narrowly construed because it obstructs the truth seeking process. *United States v. White*, 974 F.2d 1135, 1138 (9th Cir. 1992). The privilege is waived where, as here, a third party is present or where one spouse is the victim of the other spouse's criminal act. *United States v. Marashi*, 913 F.2d 724, 730 (9th Cir. 1980).
- 2) Third parties Apple, Inc., Philip Takakjian, Ph.D, Palo Alto Medical Foundation, and Sequoia Hospital shall comply with Defendants' subpoenas by November 15, 2011.

IT IS SO ORDERED

Dated: November 7, 2011



Maria-Elena James
Chief United States Magistrate Judge